

In re Application of
Shumate et al.
U.S. Serial No.: 10/082,974
Filed: February 25, 2002
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PATENT
Attorney Docket No.: AURO1160-7

REMARKS

Claims 1-30 were previously canceled. Claims 31-36 are pending.

A. **Double Patenting Rejection**

Claims 31-36 have been rejected under the non-statutory, judicially created doctrine of obviousness-type double patenting over claims 4-7 and 28 of U.S. Patent No. 6,372,185 (page 2, items 1 and 2 of the Office Action). While the Applicant respectfully traverses this rejection, it is believed that this issue has become moot in view of the terminal disclaimer which accompanies this response. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

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CONCLUSION

In view of the foregoing, it is submitted that all the pending claims are in condition for allowance. Accordingly, reconsideration and favorable action on all the claims are respectfully requested. In the event any matters remain to be resolved, the Examiner is requested to contact the undersigned at the telephone number given below so that a prompt disposition of this application can be achieved.

No fee is believed due in connection with this response. In the event that a fee is due, the Commissioner is hereby authorized to charge any amounts required by this filing, or credit any overpayment, to Deposit Account No. 07-1896.

Respectfully submitted,

Date: February 16, 2005

Victor Reyna reg. 45,039
for Lisa A. Haile, J.D., Ph.D.
Registration No.: 38,347
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

DLA PIPER RUDNICK GRAY CARY US LLP
4365 Executive Drive, Suite 1100
San Diego, California 92121-2133
USPTO CUSTOMER No. 28213